

REMARKS

Favorable reconsideration of this application in view of the following remarks is respectfully requested.

Claims 1-10, 12-17 and 19-22 are pending in this application. Claims 1, 12 and 19 are independent claims.

PREVIOUSLY ADDED NEW CLAIMS

Applicants respectfully submit that new claims 20-22 were added in the previous Amendment filed January 8, 2007. These new claims raised the claim count from 18 to 21. Inadvertently, the fee of \$50 for the extra dependent claim was not submitted with the previous Amendment and thus, is submitted with this Request for Reconsideration.

PRIOR ART REJECTIONS

35 U.S.C. §103(a) Immonen in View of Rasanen Rejection

Claims 1, 2, 4, 7, 12, 15 and 19 stand rejected under 35 U.S.C. §103(a) as unpatentable over Immonen et al. (US Publication No. 2002/0132611, herein Immonen), in view of Rasanen, (US Publication No. 2005/0286418, herein Rasanen). Applicants respectfully traverse this rejection as detailed below.

Initially, Applicants respectfully submit that the arguments submitted in the previous Amendment filed January 8, 2007 are still believed to overcome these rejections. However, Applicants are taking this opportunity to specifically address the "Response to Arguments" section of the Office Action mailed March 7, 2007, in which the Examiner appears to slightly reformulate his position. In particular, the Examiner initially indicated that "Immonen does not

specifically teach of using a token including a plurality of bits, each bit associated with a different parameter group type for indicating whether the access terminal is operating according to a default parameter group,”¹ and then further clarified the rejection stating the following in the Response to Arguments section of the Office Action mailed March 7, 2007.

Immonen teaches of a connection request that indicates or does not indicate specific QoS attributes (Paragraphs 0046; 0052-0053). Therefore, the claimed token is considered as information that indicates the QoS attributes, or the lack thereof, in the connection request. Similarly, Rasanen teaches of a set up message, i.e. request, comprising an element that indicates services and protocol, wherein a bit (0 or 1) is used for indication of a parameter (Paragraph 0053). The claimed token is considered as the indications of services and protocols, such as the element.²

As such, initially, the Examiner appeared to indicate that only the bearer capability information element (BCIE) described in paragraph [0053] of Rasanen was believed to render obvious the token recited in claim 1, but that now the Examiner also considers the “information that indicates the QoS attributes, or lack thereof, in the connection request” to render obvious the token recited in claim 1.

Regarding the “information that indicates the QoS attributes, or the lack thereof, in the connection request” of Immonen, Applicants respectfully note that “the lack thereof” cannot be considered a token. The lack of information cannot be considered to read on a positively recited claim feature.

Further, Applicants respectfully submit that the information that indicates the QoS attributes is a QoS profile that may be sent by the user equipment 11 to the SGSN 12 in Immonen. If a QoS profile is sent to the SGSN 12, the SGSN 12 must then determine whether to use the profile stored in the SGSN 12, the profile just received from the user equipment 11, or a

¹ Office Action mailed September 6, 2006, page 4, lines 10-12; Office Action mailed March 7, 2007, page 4, lines 3-5.

QoS profile stored in the HLR 13 associated with the user equipment 11. However, there is no indication in the QoS profile sent by the user equipment 11, indicating the user equipment 11 is operating according to a default parameter. Instead, default parameters are only used in Immonen if a QoS profile is not sent by the user equipment 11.

Therefore, Applicants respectfully submit that Immonen at least fails to disclose, teach or suggest “receiving, at an access network, an access request *and a token* from an access terminal, the token including at least one bit associated with a parameter group type, the at least one bit indicating whether the access terminal is operating according to a default parameter group for the associated parameter group type,” as recited in independent claims 1, 12 and 19.

Regarding the bearer capability information element (BCIE) described in paragraph [0053] of Rasanen, Applicants respectfully note that Rasanen is merely directed towards determining how data compression is handled by a telecommunications systems as evidenced by the title and Abstract of Rasanen. For example, as described in paragraph [0053] of Rasanen, “Bit 7 in octet 4 of the BCIE determines, in the direction from the MS to the network, whether data compression is allowed.” As such, the BCIE may indicate how data compression is to be handled, but does not indicate a default compression to be used between MS and network.

Therefore, Applicants respectfully submit that Rasanen also fails to disclose, teach or suggest “receiving, at an access network, an access request *and a token* from an access terminal, the token including at least one bit associated with a parameter group type, the at least one bit indicating whether the access terminal is operating according to a default parameter group for the associated parameter group type,” as recited in independent claims 1, 12 and 19.

² Office Action mailed March 7, 2007, page 2, lines 19-22.

Lastly, Applicants respectfully note that even if Immonen and Rasanen are combinable, which Applicants do not admit, the combination would still not disclose, teach or suggest the above-emphasized features of independent claim 1. In particular, neither Immonen nor Rasanen disclose a token having bits which indicate whether or not an access terminal is operating according to a default parameter and thus, do not reduce the number of parameters to be negotiated for a connection, which is one of the advantages provided by the pending claims of this application.

In light of the above, Applicants respectfully request that the rejection of independent claims 1, 12 and 19, and dependent claims 2-10 and 13-17, under 35 U.S.C. §103(a), be withdrawn.

35 U.S.C. §103(a) Immonen and Rasanen in Further View of Bender Rejection

Claims 3, 5-6, 8-10, 13, 14, 16, 17 and 20-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Immonen and Rasanen in further view of Bender et al. (US Patent No. 6,539,030, herein Bender). Applicants respectfully traverse this rejection as detailed below.

This rejection is respectfully traversed in that even assuming *arguendo* Bender could be combined with Immonen and Rasanen (which Applicants do not admit), Bender suffers from the same deficiencies as Immonen and Rasanen with respect to claims 1, 12, and 19.

Therefore, the combination of Immonen and Rasanen with Bender still fails to disclose, teach or suggest all features of claims 3, 5-6, 8-10, 13, 14, 16 and 17. For at least these reasons, the rejection should be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of this application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By:  55,149
Gary D. Yacura, Reg. No. 35,416

Scott A. Elchert Reg. No. 55,149

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/SAE/ame